10-06-04

AF# Rec

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Appn. Ser. No. 10/014,766 : Art Unit 2813

Filed 12/11/01 : Exr. E.J. Keilin

Inventors Dimitrakopoulos et al : Atty Dkt No. YOR920010283US2

For: ORGANIC N-CHANNEL SEMICONDUCTOR DEVICE OF N,N" 3,4,9,10 PERYLENE TETRACARBOXYLIC DIIMIDE

EXPRESS MAIL CERTIFICATE

Mailstop AF
Commissioner for Patents,
P.O.Box 1450
Alexandria, Va. 22313 - 1450

Sir:

EXPRESS MAIL LABEL NO.ED308793370 US
Date of deposit 10/5/04

I hereby certify that the following attached papers and fee

Transmittal Letter - 1 page

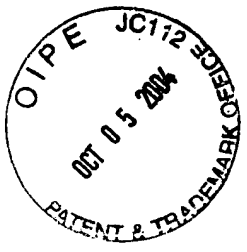
Brief on Appeal - 8 pages- 3 copies

Brief Fee Transmittal 1 page

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37CFR1.10 on the date indicated above and are addressed to Box AF , Commissioner of Patents and Trademarks, Washington,D.C. 20231

Alvin J. Riddles
Typed or printed name of person mailing paper or fee

Alvin J. Riddles 10/5/04
Signature and date of person mailing paper or fee



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TRANSMITTAL LETTER

Mailstop AF
Commissioner for Patents,
P.O.Box 1450
Alexandria, Va. 22313 - 1450

Sir:

Transmitted herewith is the Brief on Appeal of the above identified application in 3 copies together with a $ 340.00 Brief Fee Deposit Account Debit Authorization for the Appeal Brief fee.

Respectfully submitted,

Alvin J Riddles 10/5/04

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Date of deposit 10/5/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Appn. Ser. No. 10/014,766	:	Art Unit 2813
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For: ORGANIC N-CHANNEL SEMICONDUCTOR DEVICE OF N,N" 3,4,9,10 PERYLENE TETRACARBOXYLIC DIIMIDE

BRIEF FEE DEPOSIT ACCOUNT DEBIT AUTHORIZATION

Mailstop AF
Commissioner for Patents,
P.O.Box 1450
Alexandria, Va. 22313 - 1450

Sir.

Authorization is provided herewith for the charging of the $ 340.00 Appeal Brief Fee for the above identified application to the IBM USPTO Deposit Account 50 - 0510 .

Respectfully submitted,

Alvin J Riddles 10/5/04

Alvin J. Riddles
Reg. No. 17862

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re. Appn. Ser. No. 10/014,766 : Art Unit 2813

Filed 12/11/01 : Exr. E.J. Keilin

Inventors: Dimitrakopoulos et al : Atty Dkt. YOR920010283US2

For: ORGANIC N-CHANNEL SEMICONDUCTOR DEVICE OF N,N" 3,4,9,10 PERYLENE TETRACARBOXYLIC DIIMIDE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
BRIEF ON APPEAL

In the appeal of the above identified application, the required 9 items in consecutive order are provided as follows.

Item 1. Real Party in interest

The entire right title and interest in the above identified application is the property of International Business Machines Corporation, of Armonk, N.Y.

Item 2. Related Appeals and Interferences

There are no related Appeals and Interferences

Item 3. Status of Claims

Claims 10 - 12, all the elected claims in the application, stand finally rejected in a 5/6/04 final rejection.

Appendices attachments

A copy of the finally rejected appealed claims 10 - 12 are provided in Item 9 Appendix in Section "A" thereof.

A copy of the Drawings are provided in Item 9 Appendix in Section "C"

There has been an 8/13/04 communication after the 5/6/04 final rejection, that was followed by a 9/3/04 advisory action. A copy of the textual portion of the 8/13/04 communication after final is provided in Item 9 Appendix in Section "D"; and a copy of a 9/3/04 Advisory Action is provided in Item 9 Appendix in Section "B";

Item 4 Status of Amendments

All amendments directed to the merits are considered to have been entered.

Item 5 Summary of the invention

Through the invention, thin film field effect transistor devices with improved mobilities and current on/off ratios, are achieved. In the invention, an n-channel semiconducting film of a fused-ring tetracarboxylic diimide compound based on a perylene framework is employed that exhibits a field effect electron mobility of the order of 0.6 cm^2/Vs, and provides device on/off ratios in the range of at least 10000. In the devices of the invention treatment of the contact electrodes as done heretofore in the art in order to obtain such high mobilities is not required. The fused-ring tetracarboxylic diimide compound based on a perylene framework semiconductor material possesses sufficient volatility that vapor phase processing techniques are available in manufacturing.

In Appellants'specification and drawings the invention is illustrated and described in connection with Figures 1,2, and 3 wherein Figures 1 and 2 illustrate each of two types of field effect transistor contact type structures and where the location of the thin film of N,N"-di(n-1H,

1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide semiconductor material,

labelled element 20, in each device will be located. In Figure 3 there is illustrated a diagrammatic depiction of the chemical structure of the element 20, the fused-ring tetracarboxylic diimide compound based on a perylene framework of N,N"-di(n-1H, 1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide semiconductor material.

The invention structure is claimed through three "ex parte Jepson" type claims 10, 11 and 12.

The process claiming has not been elected in this examination and is not involved.

Claims 10, 11 and 12 read on the specification and drawings as follows.

	In Fig.1	In Fig 2
10. In the fabrication of organic thin film field effect semiconductor devices		
wherein there is an n-channel having		
source and drain contacts separated by said n-channel,	10,	12
an improvement for producing high electron mobility in		
said n-channel without treatment of the interface between said contacts	10,	12
and said organic thin film	20,	20
characterized by,		
said organic thin film	20,	20
being a compound with a N,N"-di(n-1H, 1H-perfluoroctyl)		
perylene 3,4,9,10- tetracarboxylic acid diimide structure.	Fig.3	Fig 3

	In Fig. 1	In Fig. 2
11. The improvement of claim 10 wherein in said thin film field effect		
semiconductor devices there is a substrate	18	18
with a gate electrode	14	14

that is covered by a gate dielectric,	16	16
said source and drain electrodes	10 and 12	
is covered by a gate dielectric ,	16	16
are positioned in contact with said gate dielectric	16	16
and aligned with said gate, and,	14	14
said thin film field effect devices being characterized by		
having an organic thin film semiconductor member	20	20
of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl)		
perylene 3,4,9,10- tetracarboxylic acid diimide structure	Fig. 3	Fig. 3
extending over said source and drain electrodes	10 and 12	10 and 12
and in contact with said gate dielectric.	16	16

	In Fig. 1	In Fig. 2
12.The improvement of claim 10 wherein in said thin film field effect semiconductor		
devices there is a substrate	18	18
with a gate electrode	14	14
that is covered by a gate dielectric,	16	16
said devices being characterized by having an		
organic thin film semiconductor member	20	20
of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl)		
perylene 3,4,9,10- tetracarboxylic acid diimide structure	Fig. 3	Fig. 3
positioned in contact with and extending over said gate dilectric, and,	16	16
source and drain electrodes	10 and 12	10 and 12
positioned in contact with said organic thin film semiconductor member	20	20
and aligned with said gate.	14	14

Item 6 The Issues

1. Whether the record supporting the final agency action is sufficient to meet the administrative procedure requirements.
2. Whether appellants invention is rendered obvious by the combination of the Struijk , the Katz and the Dodalapur references.
3. Whether the claims distinguish over the art.
4. Whether the references actually contain the points relied on by the examiner in the rejection.

Item 7 Grouping of claims

The claims do not stand or fall together for the following reasons. Each is considered to be patentable over the art in the following way. There are three claims, claim 10 is independent. Claims 11 and 12 are dependent on claim 10 and each is considered to be patentable through the addition of an additional limitation to a believed to be patentable claim.

Item 8 Argument

Some perspective would appear useful in focusing the arguments.

In the record an assumption appears to have been made in the examination that the claimed invention is something other than as described above in the description of the invention. As a first illustration; respect to the 5/6/04 final rejection a demand stands advanced, as an objection to the drawings, that Figs 1 and 2 be each labelled - Prior Art - on an assumption that, only that which is old, is illustrated. The demand is accompanied in the record by assertions that drawing corrections must immediately be made to avoid abandonment, and that they will not be held in abeyance.

It is well established that the findings of the agency of which the Patent and Trademark Office

is part are reviewable under the Administrative Procedure rules (1. Dickenson v Zurko) and the agency is expected to produce a record supporting the concept of reasoned decision making (2. In Re Sang Su Lee).

It is appellants' position that the claimed structures of Figs.1 and 2 each require a film of the material depicted in Fig. 3 to describe the invention so that to introduce a prior art label would produce an incorrect impression and would impair reasoned decision making. This is more than a procedural matter. It is an appellants issue that that demand for a prior art label in the drawing is based on an assumption originating from an "out of context" quotation from the specification that is inconsistent with the invention explanation. In the final rejection there is reliance on, "(See specification p 3 lines 3 - 5.)", as support in the demand. Those lines 3 -5, describing Figs 1 and 2, are part of the narrative DESCRIPTION OF THE INVENTION portion of the specification. In contrast the intended BRIEF DESCRIPTION OF THE DRAWINGS section on page 2 states:

" Figures 1 and 2 are cross sectional views of N,N' 3,4,9,10 perylene tetracarboxylic diimide semiconductor material organic thin film transistors, wherein in Fig.1 a bottom contact configuration is illustrated and in Fig. 2 a top contact configuration is illustrated

Figure 3 is a diagrammatic depiction of the chemical structure of a fused-ring tetracarboxylic diimide compound based on a perylene framework used in the thin film of the invention such as the N,N' 3,4,9,10 perylene tetracarboxylic acid diimide that is illustrated."

It is submitted the better description of a drawing element would be in the portion of the specification whose function is to describe the drawings so that to label Figs. 1 & 2 as being prior art is to produce an incorrect description and impair a later review of any decision making procedure.

With respect to the rejections on art in the 5/6/04 final action.

In the rejection of Claim 10, on the Struijk reference in view of the Katz reference, much more structure is asserted as meeting appellants' claim limitations than appears to be in the teaching of the reference and particularily in the figure and paragraphs listed in the rejection. It is submitted that the Struijk reference speaks so broadly that such meeting of appellants claim limitations is viewed as unlikely.

Further, the statement on page 5 mid page, of the final, regarding Dodalapur ---the claimed transistor configuration and is the same as shown in Figs.1 & 2 of the instant application --- is the same problem as discussed before; the taking of a partial description Figs 1 & 2 as indicative of prior art when what would be involved if the invention were being discussed would be Fig 1 and Fig 3 or Fig 2 and Fig 3.

In the rejection of claims 11 and12 on Struijk in view of Katz and Dodalapur appellant is unable to find teaching specific to the limitations asserted to be taught.

In view of the above it is respectfully urged that serious consideration be given to the fact that when the art is viewed in the light of the claim language the claims patently distinguish over the art by the combined requirements of contact location, the location of the film and the specific semiconductor material. In appellants view, the extensive art of record is indicative of a need in the art for the technology described; and that even though work is underway regarding devices involving perylene the efforts in the art does not approach the practical device uses as described in appellants claims.

In view of the above the applied references are not considered to affect the patentability of appellants claims and they are considered patentable so that consideration is urged to be given

to the fact that when the art is viewed in the light of the claim language the claims patently distinguish over that art by the combined requirements of contact location, the location of the film and the specific perylene material.

Respectfully submitted,

Alvin J Riddles 10/5/04

Alvin J. Riddles

Reg. No. 17862

10. In the fabrication of organic thin film field effect semiconductor devices wherein there is an n-channel having source and drain contacts separated by said n-channel, an improvement for producing high electron mobility in said n-channel without treatment of the interface between said contacts and said organic thin film characterized by, said organic thin film being a compound with a N,N"-di(n-1H, 1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide structure.

11. The improvement of claim 10 wherein in said thin film field effect semiconductor devices there is a substrate with a gate electrode that is covered by a gate dielectric, said source and drain electrodes are positioned in contact with said gate dielectric and aligned with said gate, and, said thin film field effect devices being characterized by having an organic thin film semiconductor member of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide structure extending over said source and drain electrodes and in contact with said gate dielectric.

12 The improvement of claim 10 wherein in said thin film field effect semiconductor devices there is a substrate with a gate electrode that is covered by a gate dielectric, said devices being characterized by having an organic thin film semiconductor member of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl)perylene 3,4,9,10- tetracarboxylic acid diimide structure positioned in contact with and extending over said gate dielectric, and, source and drain electrodes positioned in contact with said organic thin film semiconductor member and aligned with said gate.

Advisory Action	Application No.	Applicant(s)	
	10/014,766	DIMITRAKOPOULOS ET AL.	
	Examiner	Art Unit	
	Erik Kielin	2813	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *06 August 2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *10-12*.

   Claim(s) withdrawn from consideration: *6-9*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Erik Kielin
Primary Examiner

Continuation Sheet (PTOL-303)
10/014,766

Application No.

Continuation of 6. does NOT place the application in condition for allowance because: The prior art teaches and/or suggests each of the features of the claimed invention in proper combination. Regarding the drawings, Examiner stands by the objections for the reasons of record, based upon the evidence of record that the transistors shown in Figs. 1 and 2 are admitted by Applicant to be prior art. To further clarify Examiner's position, it is noted that the instant specification states that reference character 20 in the conventional transistors shown in Figs. 1 and 2 is "the semiconductor material." (See instant specification, p. 2.) There is no requirement that the semiconductor material 20 be the perylene claimed. Examiner has taken nothing out of context, as alleged by Applicant, but rather has taken Figs. 1 and 2 in the context of the specification. Further in light of the fact that Applicant has provided references in the IDS as discussed in the specification, that very clearly show the transistors of Figs. 1 and 2, Applicant cannot properly now state that the semiconductor material 20 is now somehow the claimed perylene, in order to avoid the evidence of record to the contrary. Finally in this regard, drawings objections are NOT appealable subject matter but are, instead, petitionable subject matter. 37 CFR 1.191(c) states "An appeal when taken must be taken from the rejection of all claims under rejection which the applicant or patent owner proposes to contest. Questions relating to matters not affecting the merits of the invention may be required to be settled before an appeal can be considered." Should Applicant disagree the objection to the drawings, Applicant must petition the matter. Furthermore, since there exists a rejectionof claims 11 and 12 over Applicant's admitted prior art Figs. 1 and 2, the matter of whether the transistors of Figs. 1 and 2 are prior art must be settled prior to appeal in order for the Board to properly consider the rejection.

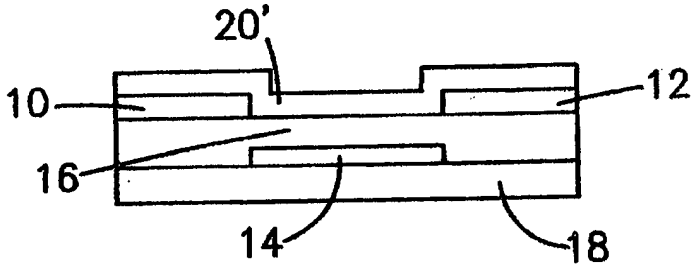


FIG.1

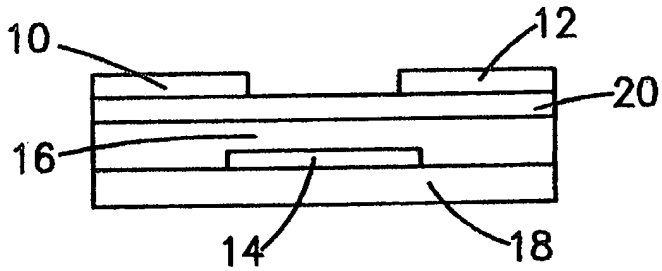


FIG.2

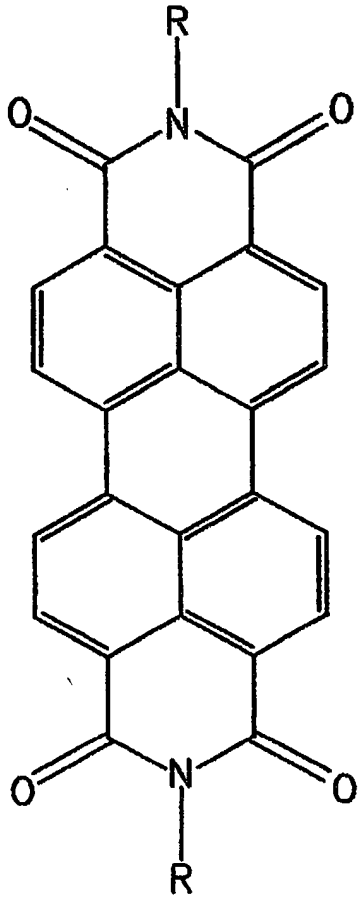


FIG.3

N,N' PERYLENE-3,4,9,10,-TETRACARBOXYLIC ACID DIIMIDE

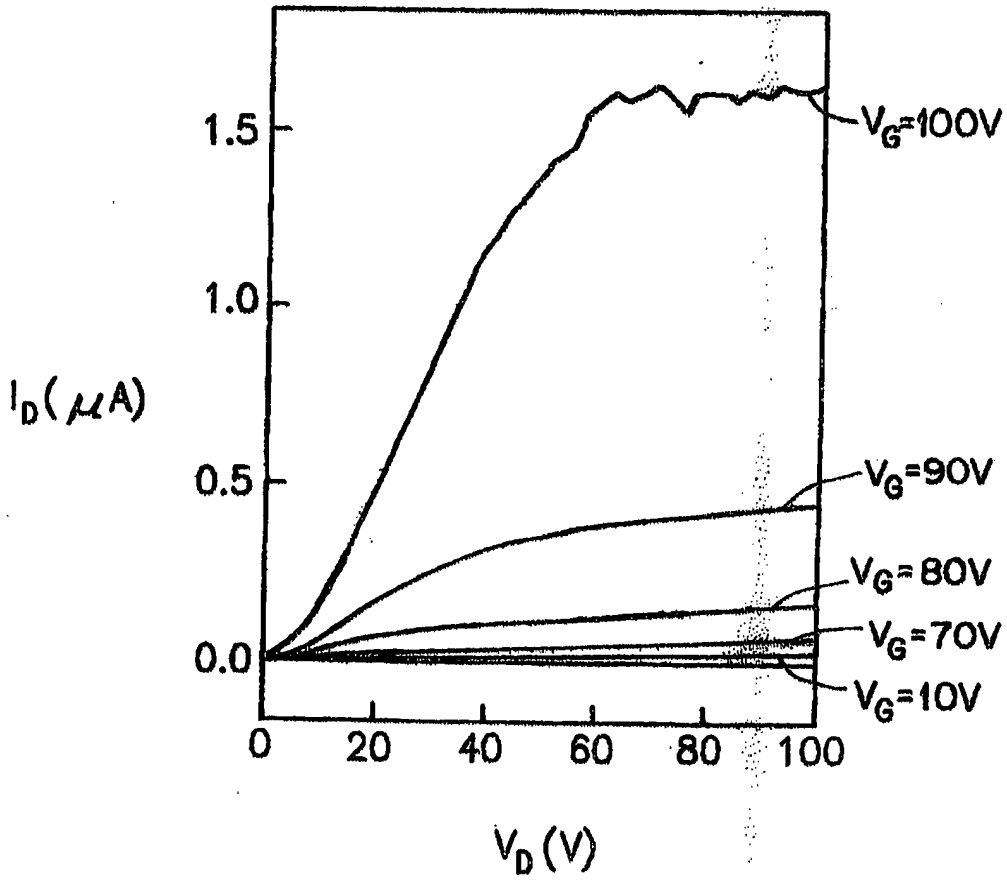


FIG.4

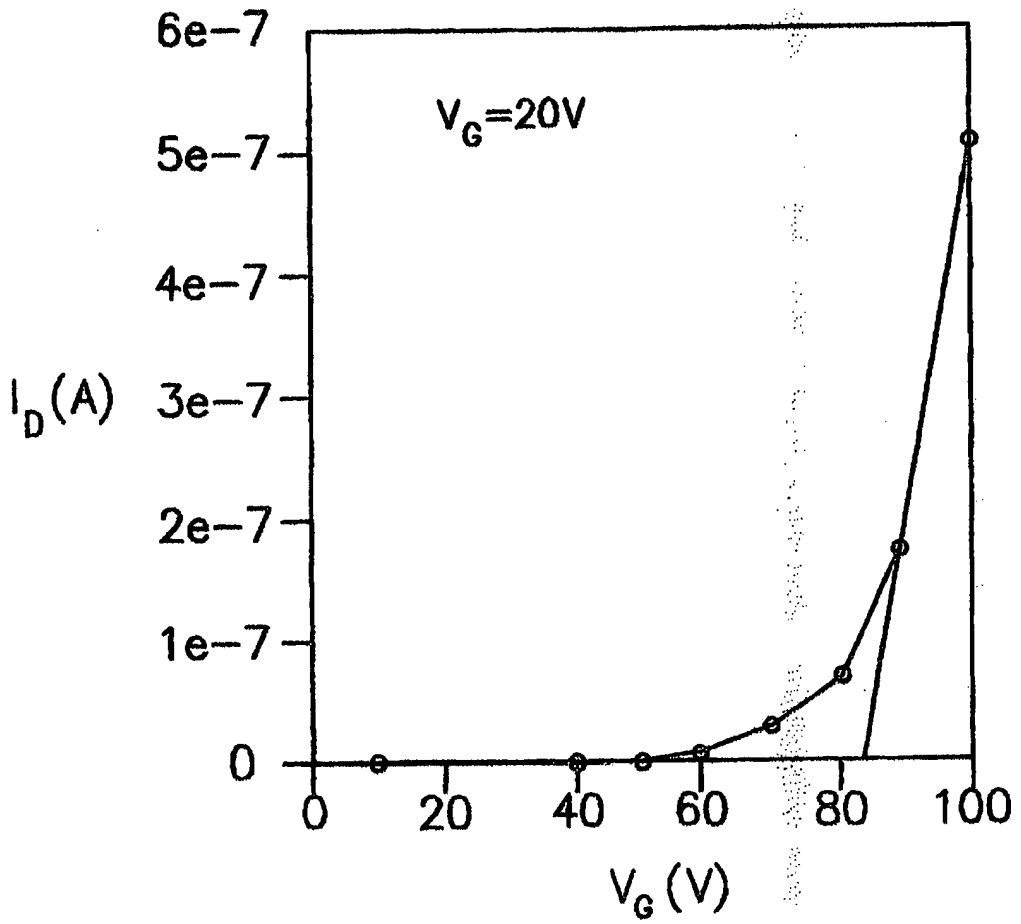


FIG. 5

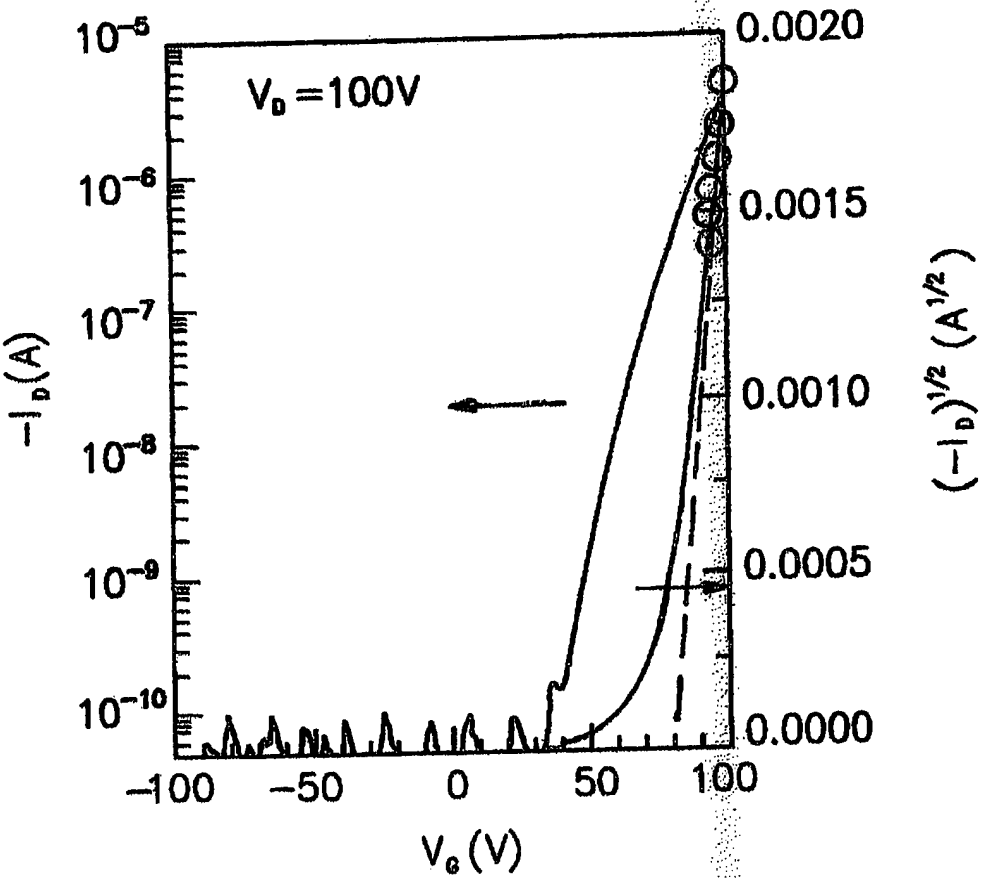
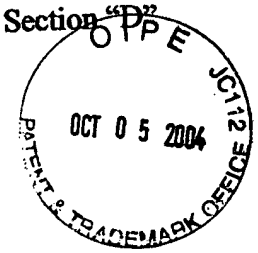


FIG. 6

Item 9 Appendix Section "D" Communication after Final



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Date of Deposit 8/13/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re. Appn. Ser. No. 10/014,766	:	Art Unit 2813
Filed 12/11/01	:	Exr. E.J. Keilin
Inventors: Dimitrakopoulos et al	:	Atty Dkt. YOR920010283US2

For: ORGANIC N-CHANNEL SEMICONDUCTOR DEVICE OF N,N" 3,4,9,10 PERYLENE TETRACARBOXYLIC DIIMIDE

COMMUNICATION UNDER 37CFR1.116

EXPEDITED PROCEDURE

Mailstop AF

Commissioner For Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

Sir:

The above identified application is under an 8/5/04 Appeal, Brief due 10/5/04. This communication is in response to the assertions in a 5/6/04 Final rejection, and provides supporting facts not addressed in the Final rejection that should place the application in condition for allowance or in the alternative in better form for resolution of the correct facts pertaining to the invention in the appeal.

This invention involves a thin film organic N,N"-di(n-1H, 1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide semiconductor material located at a different place in each of top and bottom contact complementary thin film transistor structures that imparts the device improvement properties to each type of transistor structure of better mobility and on/off ratio.

In Appellants'specification and drawings the invention is illustrated and described in connection with Figures 1,2, and 3 where Figures 1 and 2 illustrate each of the two types of transistor contact position devices and the location of the thin film of the material of the invention, labelled element 20, in each device, and where, in Figure 3 the material of the invention N,N"-di(n-1H, 1H-perfluoroctyl) perylene 3,4,9,10- tetracarboxylic acid diimide is illustrated.

The invention structure is claimed through three "ex parte Jepson" type claims 10, 11 and 12.

The process claiming has not been elected in this examination and is not involved.

Claims 10, 11 and 12 read on the specification and drawings as follows.

	In Fig.1	In Fig 2
10. In the fabrication of organic thin film field effect semiconductor devices		
wherein there is an n-channel having		
source and drain contacts separated by said n-channel,	10,	12
an improvement for producing high electron mobility in		
said n-channel without treatment of the interface between said contacts	10,	12
and said organic thin film	20,	20
characterized by,		
said organic thin film	20,	20
being a compound with a N,N"-di(n-1H, 1H-perfluoroctyl)		
perylene 3,4,9,10- tetracarboxylic acid diimide structure.	Fig.3	Fig 3

	In Fig. 1	In Fig. 2
11. The improvement of claim 10 wherein in said thin film field effect		
semiconductor devices there is a substrate	18	18
with a gate electrode	14	14
that is covered by a gate dielectric,	16	16
said source and drain electrodes	10 and 12	10 and 12

are positioned in contact with said gate dielectric
and aligned with said gate, and,
said thin film field effect devices being characterized by
having an organic thin film semiconductor member
of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl)
perylene 3,4,9,10- tetracarboxylic acid diimide structure
extending over said source and drain electrodes
and in contact with said gate dielectric.

16 16
14 14
20 20
Fig. 3 Fig. 3
10 and 12 10 and 12
16 16

12. The improvement of claim 10 wherein
in said thin film field effect semiconductor devices
there is a substrate
with a gate electrode
that is covered by a gate dielectric ,
said devices being characterized by having an
organic thin film semiconductor member
of a compound having an N,N"-di(n-1H, 1H-perfluoroctyl)
perylene 3,4,9,10- tetracarboxylic acid diimide structure
positioned in contact with and extending over said gate dielectric, and,
source and drain electrodes
positioned in contact with said organic thin film semiconductor member
and aligned with said gate.

In Fig.1 In Fig 2
18 18
14 14
16 16
20 20
Fig, 3 Fig. 3
16 16
10 and 12 10 and 12
20 20
14 14

In the examination an assumption appears to have been made that the claimed invention is something other than as described above.

With respect to the5/6/04 final rejection Office Action.

A demand stands advanced, as an objection to the drawings, that Figs 1 and 2 be each labelled - Prior Art - on an assumption that, only that which is old, is illustrated. The demand is accompanied by assertions that drawing corrections must immediately be made to avoid abandonment, and that they will not be held in abeyance.

It is appellants' position that the claimed structures of Figs.1 and 2 each require a film of the material depicted in Fig. 3 to describe the invention so that to introduce a prior art label would produce an incorrect impression. This is considered to be a substantive matter.

In this appeal it will be an appellants' issue that that demand is based on an assumption originating from an "out of context" quotation from the specification that is inconsistent with the invention explanation.

The reasoning is as follows.

In the final rejection there is reliance on, "(See specification p 3 lines 3 - 5.)", as support.

Those lines 3 -5, describing Figs 1 and 2 ,are out of the context of the specification. They are part of the narrative DESCRIPTION OF THE INVENTION portion of the specification.

In contrast the intended BRIEF DESCRIPTION OF THE DRAWINGS section on page 2 states:

" Figures 1 and 2 are cross sectional views of N,N' 3,4,9,10 perylene tetracarboxylic diimide semiconductor material organic thin film transistors, wherein in Fig.1 a bottom contact configuration is illustrated and in Fig. 2 a top contact configuration is illustrated.

Figure 3 is a diagrammatic depiction of the chemical structure of a fused-ring tetracarboxylic diimide compound based on a perylene framework used in the thin film of the invention such as the N,N' 3,4,9,10 perylene tetracarboxylic acid diimide that is illustrated.

It is submitted the better description of a drawing element would be in the portion of the

specification whose function is to describe the drawings so that to label Figs. 1 &2 as being prior art is to produce an incorrect description.

With respect to the rejections on art in the 5/6/04 final action.

In the rejection of Claim 10, on the Struijk reference in view of the Katz reference, much more structure is asserted as meeting appellants' claim limitations than appears to be in the teaching of the reference and particularily in the figure and paragraphs listed in the rejection. It is submitted that the Struijk reference speaks so broadly that such meeting of appellants claim limitations is viewed as unlikely. The discussions involving the interpretation of a claim as being a product by process are rendered moot by the ex Parte Jepson claim format which is much more direct. The paragraph on page 3 that is relied on in the APA assertion is the same out of context one discussed above concerning the objection to the drawings.

In the rejection of claims 11 and12 on Struijk in view of Katz and Dodalapur appellant is unable to find teaching specific to the limitations asserted to be taught.

In view of the above it is respectfully urged that serious consideration be given to the fact that when the art is viewed in the light of the claim language the claims patently distinguish over the art by the combined requirements of contact location, the location of the film and the specific composition of the film and thereby describe a patentable invention and a valuable contribution to the art.

The application is considered to be in condition for allowance.

Respectfully submitted,

Alvin J Riddles 8/13/04

Alvin J. Riddles

Reg.No. 17862

914 946-2249

Item 9 Appendix Table of Citations

1. Dickenson v Zurko 527 U.S.150, 50 USPQ2d 1930(CAFC 1999)

2. In Re Sang Su Lee CAFC 00-1158 1/18/02